

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR 115-95
	)	CR 115-76
WENDY MICHELLE DAVIS	)	CR 113-39

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**ORDER**

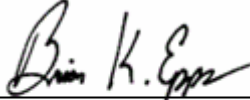
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Before the Court is Defendant's motion to modify the Court's Order dated November 16, 2015, which requires her to make monthly payments of \$200.00 to defray a tiny portion of the defense costs to be incurred by CJA counsel. In obtaining court-appointed counsel, Defendant submitted a financial affidavit dated October 9, 2015, in which she claimed one dependent, a fifteen year old son, monthly income of \$3,100.00, and monthly expenses of \$1,962.00. In her motion dated December 3, 2015, Defendant alleges that she can no longer afford to pay \$200.00 per month in defense costs because her "annuity from United States Office of Personnel was cut by \$550.00 ... due to overpayment." In support, she attaches a notice dated March 24, 2015 from the Office of Personnel Management explaining that, effective June 1, 2015, Defendant's monthly annuity payment would be offset by \$121.57 per month for 533 months, plus a final payment number 534 of \$92.19, to satisfy an alleged overpayment of \$64,889.00. Also attached to Defendant's motion is her revised list of monthly expenses that increases the total from \$1,962.00, as alleged in her financial affidavit, to \$3,187.00.

The Court **DENIES** Defendant's motion for two reasons. First, the notice from Office of Personnel Management predates her affidavit and confirms a reduction of \$121.57 per month,

not \$550.00 per month as Defendant alleges. Second, Defendant's revised list of monthly expenses includes a cable bill for \$230.00, a wireless internet bill of \$130.00, and a phone bill of \$290.00. In the face of these unreasonably high expenditures, none of which are for basic necessities, the Court will not hear Defendant complain that she cannot afford to make a minimal monthly contribution of \$200.00 toward her costs of defense.

SO ORDERED this 10th day of December, 2015, at Augusta, Georgia.

  
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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA